

EXHIBIT 75

1
2 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

3 -----x
4 NATIONAL COALITION ON BLACK CIVIC
5 PARTICIPATION, MARY WINTER, GENE
STEINBERG, NANCY HART, SARAH WOLFF,
6 KAREN SLAVEN, KATE KENNEDY, EDA
DANIEL, and ANDREA SPERES,

7 Plaintiffs,

8 - against -

Civil Action No.
10-cv-8668

9
10 JACOB WOHL, JACK BURKMAN, J.M.
BURKMAN & ASSOCIATES, LL, PROJECT
11 1599, and JOHN and JANE DOES 1-10,
12 Defendants.
-----x

13
14 Remote deposition
15 April 25, 2022
16 10:08 a.m.
17
18
19

20 VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION of
21 JOHN BURKMAN, s/h/a JACK BURKMAN before Michele
22 Moskowitz, a shorthand reporter and Notary Public
23 of the State of New York.
24
25

A P P E A R A N C E S

NEW YORK STATE OFFICE OF THE ATTORNEY GENERAL

Attorneys for Plaintiff-Intervenor

28 Liberty Street

New York, New York 10005

BY: RICHARD SAWYER, ESQ.

CONNOR DUFFY, ESQ.

COLLEEN FAHERTY, ESQ.

richard.sawyer@ag.ny.gov

LAWYERS' COMMITTEE FOR CIVIL RIGHTS UNDER LAW

Attorneys for Plaintiffs

1500 K Street Northwest, Suite 900

Washington, D.C. 20005

BY: MARC EPSTEIN, ESQ.

DAVID BRODY, ESQ.

mepstein@lawyerscommittee.org

ORRICK HERRINGTON & SUTCLIFFE

Attorneys for Plaintiffs

51 West 52nd Street

New York, New York 10019

BY: AARON GOLD, ESQ.

FRANKLIN MONSOUR, ESQ.

aaron.gold@orrick.com

A P P E A R A N C E S

GERSTMAN SCHWARTZ LLP

Attorneys for Defendants

1399 Franklin Avenue

Garden City, New York 11530

BY: RANDY KLEINMAN, ESQ.

DAVID SCHWARTZ, ESQ.

rkleinman@gerstmanschwartz.com

ALSO PRESENT:

MIRIAM LI, LEGAL ANALYST

SCOTT GRABEL, OBSERVER

SHAWN BUDD, VIDEOGRAPHER

1 BURKMAN

2 asserting my privilege against self-
3 incrimination.

4 Q. Okay.

5 MR. SAWYER: And let's move to page
6 Defendants' 4341, next page.

7 Q. Okay. This document now describes
8 what services the ACPI will deliver to its
9 funders, correct?

10 MR. KLEINMAN: Objection.

11 A. On the advice of counsel, I'm
12 asserting my privilege against self-
13 incrimination.

14 Q. And these are services that you and
15 Jacob Wohl are offering to people who are willing
16 to fund the ACPI; is that correct?

17 MR. KLEINMAN: Objection.

18 A. On the advice of counsel, I'm
19 asserting my privilege against self-
20 incrimination.

21 Q. Okay. And so the ACPI's plan was
22 inspired by the Russian Intelligence Research
23 Agency, which, and I quote, Proved in 2016
24 building up left wing Internet properties that
25 ultimately aim to ultimately suppress turnout is

1 BURKMAN

2 an effective strategy; is that correct?

3 MR. KLEINMAN: Objection.

4 A. On the advice of counsel, I'm
5 asserting my privilege against self-
6 incrimination.

7 Q. And so the ACPI planned to use
8 methods -- strike that.

9 The ACPI planned to use methods
10 created by the Russian Internet [sic] Research
11 Agency to build up left wing Internet properties
12 to ultimately suppress turnout in elections,
13 correct; is that correct?

14 MR. KLEINMAN: Objection.

15 A. On the advice of counsel, I'm
16 asserting my privilege against self-
17 incrimination.

18 Q. So you and Jacob Wohl advertised to
19 potential investors your plan to build up left
20 wing properties that aim to ultimately suppress
21 voter turnout; is that correct?

22 MR. KLEINMAN: Objection. Fifth.

23 A. On the advice of counsel, I'm
24 asserting my privilege against self-
25 incrimination.

1 BURKMAN

2 Q. And that plan that you and Jacob Wohl
3 intended to enact was inspired by Russian
4 disinformation in the 2016 election; is that
5 correct?

6 MR. KLEINMAN: Objection.

7 A. On the advice of counsel, I'm
8 asserting my privilege against self-
9 incrimination.

10 Q. Okay.

11 MR. SAWYER: Let's move to
12 Defendants' 4345.

13 Q. Okay. Now we're looking at 4345,
14 where you and Jacob Wohl advertised that you have
15 developed a time-tested and incredibly successful
16 methodology for taking advantage of the media's
17 implicit left wing bias, which allows us to
18 influence mainstream media coverage by
19 manipulating the Twitter algorithm and blogger
20 networks; is that correct?

21 MR. KLEINMAN: Objection.

22 A. On the advice of counsel, I'm
23 asserting my privilege against self-
24 incrimination.

25 Q. And on this page you and Jacob Wohl

1 BURKMAN

2 be Tamika Taylor made that claim to voters in New
3 York which phone, that was a lie, correct?

4 MR. KLEINMAN: Objection.

5 A. Fifth Amendment.

6 Q. Okay. And in fact, putting aside New
7 York, you have no information from any source
8 supporting the claim that the act of voting by
9 mail will put somebody in a public database
10 anywhere in the United States, correct?

11 MR. KLEINMAN: Objection.

12 A. Fifth Amendment.

13 Q. And you will admit that you have no
14 information from any source supporting the claim
15 that police will use vote-by-mail data to track
16 down old warrants anywhere in the United States,
17 correct?

18 MR. KLEINMAN: Objection.

19 A. Fifth Amendment.

20 Q. Well, you've raised the First
21 Amendment defense to this lawsuit and to your
22 criminal proceeding on the basis that what you
23 said was true and now I'm asking for information
24 supporting your claim. And what your -- and so I
25 just want to be clear. You're -- while I'm

C E R T I F I C A T I O N

STATE OF NEW YORK)

)

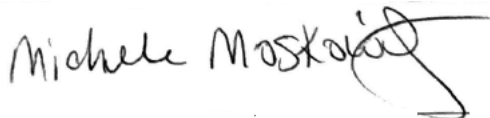
COUNTY OF NEW YORK)

I, MICHELE MOSKOWITZ, a Shorthand Reporter
and Notary Public within and for the State of New
York, do hereby certify:

That JOHN BURKMAN, the witness whose
examination is hereinbefore set forth, was duly
sworn/affirmed by me and that this transcript of
such examination is a true record of the
testimony given by such witness.

I further certify that I am not related to
any of the parties to this action by blood or
marriage and that I am in no way interested in
the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my
hand this 30th day of April, 2022.



MICHELE MOSKOWITZ